

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 10, 2004. Claims 1-3, 6-20, 22-29, 33, 37-39, 41-43, and 47 are pending in the present application and stand rejected. Applicants have amended Claims 14 and 16. Applicants respectfully submit that no new matter has been added by these amendments. For at least the reasons discussed below, Applicants respectfully request reconsideration and favorable action in this case.

Objections

The Examiner rejects Claims 14 and 16 as including informalities. Applicants have amended Claims 14 and 16 pursuant to the Examiner's suggestion to correct the typographical errors. Therefore, Applicants respectfully request that the objection to Claims 14 and 16 be withdrawn.

Rejections Under §112

The Examiner rejects 1-3, 6-13, and 25-28 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner states that "the preamble of the claim describes a synchronous bus, wherein the body of the claim defines the limitations of a frame format." Applicants have amended the preamble of Independent Claim 1 to recite "A telecommunications signal transmitted on a synchronous bus of a telecommunications node, comprising," which is identical to the preamble of Independent Claim 25. Additionally, Applicants submit that such "propagated signal" claims are considered patentable subject matter by the PTO. Accordingly, Applicants submit that Independent Claims 1 and 25 and their dependents particularly point out and distinctly claim the subject matter.

Double Patenting

The Examiner rejects Claims 1-3, 6-7, 11-15, 17-20, 22, 24-26, 29, 37-39, 41, and 43 under the doctrine of obviousness-type double patenting based on Claims 1-9 of Manchester, et al., U.S. Patent 6,628,657 B1 (hereafter "*Manchester*"). Although Applicants do not necessarily agree with or acquiesce to the Examiner's statements regarding the claims of the Application or their purported relationship to the claims of *Manchester*, Applicants stand ready to execute a

terminal disclaimer with respect to this patent if the Examiner finds that Claims 1-3, 6-7, 11-15, 17-20, 22, 24-26, 29, 37-39, 41, and 43 are otherwise allowable.

Rejections Under §102

The Examiner rejects Claims 1-3, 6, 11-15, 17-20, 22, 24-26, 29, 37-39, 41, and 43 under 35 U.S.C. §102(e) as being anticipated by Appanna, et al., U.S. Patent 6,647,021 B1, hereafter "*Appanna*." Applicants respectfully traverse these rejections and all assertions therein.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990); MPEP § 2131 (*emphasis added*).

In regard to inherency of a reference, "[t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic." MPEP § 2112 (citing *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ 2d 1955, 1957 (Fed. Cir. 1993) (*emphasis original*). Thus, in relying upon the theory of inherency, an Examiner must provide a basis in fact and/or technical reasoning to support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. MPEP § 2112 (citing *Ex Parte Levy*, 17 USPQ 2d 1461, 1464 (Bd. Pat. at App. and Inter. 1990) (*emphasis original*).

Independent Claim 1 recites, "a first plurality of service channels in at least one frame each transporting traffic for a DS-0 connection, every service channel in the first plurality of service channels comprising a current channel associated signaling (CAS) value for the DS-0 connection." For the teaching of this limitation, the Examiner offers Table A disclosed in *Appanna* and states that "DS-0 connections inherently have CAS signaling bits." Office Action, Page 5. The Examiner fails to provide any "basis in fact and/or technical reasoning" to support that a CAS value necessarily flows from the teaching of a DS-0 connection. Furthermore, even assuming for the sake of argument that DS-0 connections inherently have CAS signaling bits, the Examiner fails to illustrate how *every* offered time slot transporting DS-0 traffic includes a CAS value.

The Examiner may attempt to take "official notice" that DS-0 connections include CAS bits. However, if the Examiner were relying upon official notice for the teaching of this limitation (which is only relevant in a 35 U.S.C. § 103 rejection to address the void in the prior art), Applicants would respectfully request that a reference be provided pursuant to M.P.E.P. § 2144.03 if "common knowledge" or "well known" art is being relied on to teach this limitation. If personal knowledge is being relied upon, Applicants would respectfully request that an affidavit supporting such facts be provided pursuant to M.P.E.P. § 2144.03. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 1 and its dependents Claims 2-3, 6, 11-13.

Claims 14, 25, 29, and 37 are allowable for reasons analogous to those discussed in connection with Claim 1 above. Claims 15, 17-20, 22, 24, 26, 38-39, 41, and 43 each depend from independent Claim 14, 25, 29, and 37 and thus are also patentable over the cited art for at least the reasons discussed above with regard to Claims 1.

Rejections Under §103

The Examiner rejects Claim 7 under 35 U.S.C. §103(a) as being unpatenable over *Appanna*. Also, the Examiner rejects Claims 8-10, 16, 23, 27, 28, 33, 42, and 47 under 35 U.S.C. §103(a) as being unpatenable over *Appanna* in view of Frey, et al., U.S. Patent 5,982,783 (hereafter "*Frey*"). Applicants traverse these rejections and all findings and assertions therein. In particular, these depend from one of independent Claims 1, 14, 25, 29 and 37. As discussed above, independent Claims 1, 14, 25, 29 and 37 are allowable over *Appanna*. The Office Action fails to cite any teaching or suggestion in *Frey* of the missing elements discussed above. Therefore, Claims 7, 8-10, 16, 23, 27, 28, 33, 42, and 47 are allowable at least because they depend from one of allowable Claims 1, 14, 25, 29 and 37. Thus, Applicants respectfully request that these rejections be withdrawn.

CONCLUSION

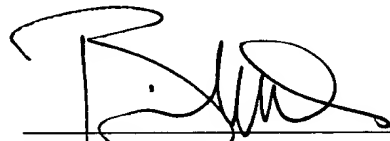
Applicants have made an earnest attempt to place this application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

Although Applicants believe that no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

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